

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SAMUEL JOHN CAMP, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MAYSSON JOHN,

Respondent-Appellant.

UNPUBLISHED

May 9, 2006

No. 265301

Macomb Circuit Court

Family Division

LC No. 2005-058728-NA

Before: Jansen, P.J., and Neff and Zahra, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order assuming jurisdiction over the minor child pursuant to MCL 712A.2(b)(1). We affirm.

Respondent contends that the trial court violated public policy and denied her due process when it deprived her of the right to an adjudication trial early in the proceedings, requiring her to wait until a possible dispositional hearing to present evidence refuting the allegations against her. She does not specify the nature of the evidence she would have presented at an adjudication trial.

Jurisdiction over the minor child had already been assumed by virtue of the father's plea of no contest. The trial court's jurisdiction is tied to the child, not to the parents. *In re CR*, 250 Mich App 185, 200-205; 646 NW2d 506 (2002). Thus, the trial court was not required to hold an adjudication trial to independently establish jurisdiction with respect to respondent. *Id.* at 202-203. Because jurisdiction over the child had already been established, the trial court was authorized to proceed to the dispositional stage without holding a trial for respondent. *Id.*

Respondent contends that the procedure followed by the trial court violated her right to procedural due process. A procedural due process analysis requires a court to consider (1) whether a liberty or property interest exists which the state has interfered with, and (2) whether the procedures attendant upon the deprivation were constitutionally sufficient. *In re AMB*, 248 Mich App 144, 209; 640 NW2d 262 (2001). "[P]arents have a due process liberty interest in caring for their children." *In re CR, supra* at 204. Procedural due process generally requires notice and an opportunity to be heard. See *In re Nunn*, 168 Mich App 203, 208-209; 423 NW2d 619 (1988). We have determined that the notice requirement is satisfied when the trial court exercises jurisdiction over a minor child on the basis of one parent's plea without separately

establishing jurisdiction with respect to the other parent. *In re CR, supra* at 204-207. Further, respondent in this case will have the opportunity to be heard in the event of a future dispositional hearing in this matter.¹ Respondent's procedural due-process argument must fail. In light of our holding in *In re CR*, we must reject respondent's public policy argument as well.²

Affirmed.

/s/ Kathleen Jansen

/s/ Janet T. Neff

/s/ Brian K. Zahra

¹ Respondent is additionally protected by the different standards of proof applicable at a dispositional hearing. "The parent who has been subject to an adjudication . . . can have [his or] her parental rights terminated on the basis of all the relevant and material evidence on the record, including evidence that is not legally admissible. In contrast, the petitioner must provide legally admissible evidence in order to terminate the rights of the parent who was not subject to an adjudication." *In re CR, supra* at 205-206 (footnotes omitted).

² Respondent attempts to distinguish *In re CR* from the facts of this case. Respondent asserts that while the respondent in *In re CR* did not fully participate in the proceedings of that case, she has fully participated in the proceedings of this case. Respondent also contends that the respondent in *In re CR* asserted his right to an adjudication trial at a later point in the proceedings than she did in this case. However, these are distinctions without a difference. We can conceive of no reason why these slight distinctions would serve to distinguish the rules of law applicable in the two cases. The fact remains that *the trial court's jurisdiction is tied to the child, not to the parents*. Thus, it would have been redundant and duplicative for the trial court to hold an adjudication trial to establish jurisdiction, which had already been established by way of the father's plea.